THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.569 OF 1999

DATED: 24.10.2007

Between:

The District B.C. Welfare Department, Srikakulam District.

.. Petitioner

And

Industrial Tribunal-cum- Labour Court, Visakhapatnam, rep. by its Presiding Officer and another.

.. Respondents

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ORDER:

This writ petition is filed challenging the award, dated 24.09.1998, passed in I.D.No.302 of 1995, on the file of the 1st respondent - Industrial Tribunal-cum-Labour Court, Visakhapatnam, whereunder the termination of the services of the 2nd respondent-workman was held to be bad in law and the petitioner-management was directed to reinstate the 2nd respondent-workman into service with full backwages and continuity of service.

There is no dispute regarding the fact that the 2nd respondent-workman was appointed as a Cook with the petitioner-management with effect from 12.12.1987 and his services were terminated with effect from 23.04.1994. It is also interesting to notice that M.W.1, who was examined on behalf of the management before the Labour Court, admitted that the 2nd respondent worked for more than 240 days during the period of 12 months preceding the date of termination and no procedure as required under Section 25-F of the Industrial Disputes Act (for short 'the Act') has been followed while terminating his services. Under those circumstances, the Labour Court held that the termination was in gross violation of provisions of Section 25-F of the Act and thus directed reinstatement of the 2nd respondent into service with full backwages and continuity of service.

I am of the opinion that the Labour Court has rightly come to the conclusion that the termination of the services of the 2nd respondent was in gross violation of Section 25-F of the Act. Moreover, challenging the termination of his services, the 2nd respondent-workman approached the Labour Court without any delay. Thus, in my view, the Labour Court has not committed any error in passing the impugned award, directing the petitioner-management to reinstate the 2nd respondent-workman into service with full backwages and continuity of service, calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is, accordingly, dismissed. No order as to costs.

C.V. RAMULU, J

24th October, 2007.

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